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12 *Attorneys for Defendants,*
13 *Robert Ashcraft, Jay Barth, Efren DeJesus*
14 *Frank Lopez, Alejandro Morales,*
15 *Elisha Rayford III, Gustavo Sanchez,*
16 *Julie Williams, and Jacob Walden*

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 MICHAEL GIESBRECHT,

20 Plaintiff,

21 v.

22 JULIE WILLIAMS, *et al.*,

23 Defendants.

24 Case No. 2:23-cv-00927-JAD-NJK

25 **STIPULATION TO EXTEND**
26 **DISCOVERY DEADLINES**

27 Pro Se Plaintiff Michael Giesbrecht and Defendants, Robert Ashcraft, Jay Barth,
28 Efren DeJesus, Frank Lopez, Alejandro Morales, Elisha Rayford III, Gustavo Sanchez,
1 Julie Williams and Jacob Walden, by and through counsel, Aaron D. Ford, Nevada Attorney
2 General, and Rudolf M. D'Silva, Deputy Attorney General, of the State of Nevada, Office of
3 the Attorney General, hereby submit this Stipulation to Extend the Discovery Motion
4 Deadline by at least 60 days.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. NATURE OF THE MOTION**

7 Good cause exists to extend the pretrial deadlines in this matter as outlined below.

8 **II. BRIEF STATEMENT OF THE CASE**

9 Giesbrecht is in the custody of the Nevada Department of Corrections (NDOC) and

1 is pursuing a civil rights action under 42 U.S.C. § 1983. ECF No. 14-1 at 1¶1. On January
 2 16, 2024, this Court allowed Giesbrecht to proceed on the following claims: a First
 3 Amendment retaliation claim against Lopez, Williams, Walden, Sanchez, D.J., Morales,
 4 Ashcraft, and Barth; and (2) an Eighth Amendment unsafe prison conditions claim against
 5 Keeperman, Pena, Rayford, Lopez, Williams, Walden, Sanchez, D.J., Morales, Ashcraft,
 6 and Barth. ECF No. 14 at 11:6-15:18. On April 11, 2024, the Office of the Attorney General
 7 (OAG) accepted service on behalf of Defendants Frank Lopez, Julie Williams, *Gustavo*
 8 *Sanchez*, Alejandro Morales, Robert Ashcraft, Jay Barth, and Jacob Walden. ECF No. 24
 9 at 1:21-22. The OAG did not accept service on behalf of Defendant “DJ” or “Rayford”
 10 because Plaintiff’s Complaint had not provided enough information for the OAG to identify
 11 these Defendants. *Id.* at 2:1. On May 22, 2024, this Court issued the scheduling order,
 12 setting the following deadlines in this matter:

- 13 • Discovery cutoff: August 20, 2024;
- 14 • Deadline to file dispositive motions: September 19, 2024;
- 15 • Deadline to file joint pre-trial order: October 21, 2024.¹

16 On July 12, 2024, Plaintiff filed a Motion to Correct Defendants Names, in which it
 17 provided more detail as to who Defendants “D.J.” and “Rayford” may be. ECF No. 37 at
 18 1:15-20. This Court then ordered the OAG to identify these Defendants and indicate
 19 whether the OAG would accept service on behalf of them. ECF No. 39 at 1:11-20. On August
 20 16, 2024, Plaintiff stated to undersigned counsel that he would be filing a Substitution of
 21 Defendant Gustavo Sanchez with a Defendant Omar Sanchez, because it was determined
 22 that Plaintiff named the wrong Sanchez in his lawsuit. As of August 19, 2024, the OAG
 23 identified “D.J.” and “Rayford” pursuant to this Court’s order and has accepted service on
 24 behalf of them. ECF No. 41; *See also* ECF No. 42.

25 **III. DISCUSSION**

26 Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the court may, for good cause, extend the time

27
 28 ¹ In the event dispositive motions are filed, the joint pretrial order must be filed
 thirty (30) days after a decision of the dispositive motions is entered.

1 in which an act must be done if a request is made before the original time or its extension
2 expires. The proper procedure, when additional time for any purpose is needed, is to present
3 a request for extension of time before the deadline in question has expired. Extensions of
4 time may always be asked for, and usually are granted on a showing of good cause if timely
5 made under subdivision (b)(1) of the Rule. Under Local Rule 26-3, “[a] motion or stipulation
6 to extend any date set by the discovery plan, scheduling order, or other order must ... be
7 supported by a showing of good cause for the extension.” In addition, “[a] request made
8 within 21 days of the subject deadline must be supported by a showing of good cause.” LR
9 26-3.

10 At this time, discovery is completed for the parties the OAG is currently representing
11 in this matter. Pursuant to the scheduling order discovery closes August 20, 2024. It was
12 not until August 16, 2024, that Plaintiff came to know that he named the wrong Defendant
13 “Sanchez” in his lawsuit. Plaintiff informed the OAG that he will be filing a Motion to
14 Substitute Defendant Gustavo Sanchez with Omar Sanchez. If Plaintiff’s Motion were
15 granted it would add a new Defendant to this case, which would likely require more
16 discovery. In addition, it was not until August 19, 2024, that the OAG had the opportunity
17 to accept service on behalf of Defendant’s “D.J.” and “Rayford.” Because the OAG has very
18 recently accepted service on behalf of Defendants D.J and Rayford, it is likely that discovery
19 will be required for these Defendants as well.

20 This Motion is made in good faith, without dilatory motive, not for the purposes of
21 causing undue delay, and is made only for the purpose of providing more efficiency for
22 discovery and judicial economy. The Parties request for additional time is within the 21-
23 day requirement under Local Rule 26-3.

24 Accordingly, good cause exists for an enlargement of time for the discovery deadline
25 to at least 60 days after the filing of this Stipulation:

26 • Discovery cutoff: October 21, 2024²;

27
28 ² Sixty days from August 20, 2024 is Saturday, October 19, 2024. Because this date
falls on a Saturday, it has been adjusted accordingly.

1 • Deadline to file dispositive motions: November 20, 2024;
2 • Deadline to file joint pre-trial order: December 20, 2024

3 **IV. CONCLUSION**

4 Based upon the foregoing, parties respectfully request this Court to grant this
5 Stipulation to Extend Discovery Deadlines.

6 DATED this 20th day of August, 2024.

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8
9
10 By:/s/ 
11 MICHAEL GISTBRECHT #1099572
12 Plaintiff, Pro Se

13 DATED this 20th day of August, 2024

14 AARON D. FORD
15 Attorney General

16 By: /s/ Rudolf M. D'Silva
17 RUDOLF M. D'SILVA (Bar No. 16227)
18 Deputy Attorney General
19 Attorneys for Defendant

20 **ORDER**

21 **IT IS SO ORDERED.** That the discovery deadlines will be extended by sixty (60)
22 days as stipulated by the parties above. Discovery motions must be filed by November 4, 2024.

23 DATED August 21, 2024.

24 
25 United States Magistrate Judge